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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,457	07/02/2008	Markus Kampmann	P19140-US1	1361
27045	7590	02/04/2009		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER SHIN, CHRISTOPHER B	
			ART UNIT	PAPER NUMBER
			2181	
			MAIL DATE	DELIVERY MODE
			02/04/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/597,457

**Applicant(s)**

KAMPMANN ET AL.

**Examiner**

Christopher B. Shin

**Art Unit**

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date 20060726
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 16, 17 & 32 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jacobs et al. (7,464,180).

a. In figures 3-7 and the respective descriptive sections teach the basic or substantially identical functional limitations as follows:

Claims 1, 16, 17 & 32 Jacobs et al. (see the entire documents)

- A transmission device for transmitting data elements of a data stream based on priority to a receiving device
  - Feature of figures 3-7, Switch Fabric (110)
- A transmitter/receiver controller for obtaining data elements of a plurality of data element classes, each of the data element classes associated with a priority
  - Function/portion of figures 3-7 that handles high & low priority frames of data
- A plurality of data element buffers, provided for storing data elements of each of the data element classes
  - Function/portion of figures 3-7 that handles storing/queuing/buffering data function
- A buffer fill level detector/reporter for obtaining information on buffer fill levels of data element buffers at the receiving device for the plurality of data element classes
  - Function/portion of figures 3-7 that handles/counts/monitors number of frames of data, see also column 10, second paragraph
- Wherein the transmitter controller is adapted to transmit data elements of a data element class with a first priority for reaching the associated buffer fill level, If the buffer fill level detector determines that the buffer fill level of the data element class

with the first priority is reached, to transmit data elements of a data element class with a second priority, the second priority being lower than the first priority

- o Function/portion of figures 3-7 that handles data frame transfer control in accordance with the buffer level & priority of data.

b. The Jacobs reference teaches all of the basic functional equivalents that are substantially identical to the claimed limitations of the independent claims 1, 16, 17 & 32; therefore, one skilled in the art can easily come up with the claimed invention from the teachings of the Jacobs reference. This is because, one skilled in the art knows that the buffer control techniques and its application in the computing art/industry are basic core function of data processing/computer system; as a result, it would have been anticipated or obvious at the time the invention was made to one having ordinary skill in the art to be motivated to come up with the claimed invention from the teachings of the Jacobs reference for the well known application of the Buffer control technique.

3. Claims 2-15 & 18-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al. (7,464,180) in view of commonly known or well known buffer control techniques in the art.

c. The claims 2-15 and 18-31 are dependent claims of 1 and 17; therefore, the teachings of the claims 1 & 17 are similarly applied.

d. As can be seen from claims 2-15, the dependent claims are directed to specific buffer controller techniques for specific buffer application; however, such buffer techniques are commonly known and practiced in the art for efficient handling for specific applications/situations. The examiner takes official noticed

on such well known/common knowledge in the art. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to add the claimed buffer controlling techniques for an efficient controlling of buffering data.

e. The same applies to the claims 18-31, since the claims are substantially identical.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on Monday Through Friday 6:30AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kindred Alford can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christopher B Shin/  
Primary Examiner, Art Unit 2181

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